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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,973	08/02/2001	Hiroshi Komori	KOMORI ET AL-1	7669

7590 06/18/2003
COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, NY 11576-1696

EXAMINER

PHINNEY, JASON R

ART UNIT PAPER NUMBER

2879

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/921,973

Applicant(s)

KOMORI ET AL

Examin r

Jason Phinney

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-- The MAILING DATE of this communication appears on th cover sheet with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Response to Amendment

1. The Amendment, filed on 6/3/03, has been entered and acknowledged by the Examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1- 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Japanese Patent Publication No. 63-215533.

Regarding Claim 1, the '533 reference discloses a CRT panel glass which does not substantially contain PbO but which contains values in mass percent, which overlap those claimed here of between 45 and 60% SiO₂, 0-1% Al₂O₃, 0-3% MgO, 0-3% CaO, 5-11% SrO, 8-16% BaO, 6-8% ZnO, 1-6% Na₂O, 5-13%K₂O, 0.1-3% Li₂O, 0-1.5% ZrO₂, 0-3% TiO₂, 0-3% CeO₂, 0-2% Sb₂O₃, 0-2% P₂O₅. The '533 reference further discloses that $0.30 \leq \text{SrO}/((\text{SrO}+\text{BaO})) \leq 0.45$ and because the X-ray absorption coefficient is intrinsic to the material it is noted that since the '533 reference discloses the same structure then the X-ray absorption coefficient of 36.0 cm⁻¹ or more at 0.6 Å is inherently there as well (see Embodiment 1, page 177).

Regarding Claim 2, the '533 reference further discloses that the content of SiO₂ could fall within the range of 50-58% (see Embodiment 1, page 177).

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Regarding Claim 3, the '533 reference further discloses that the content of Al_2O_3 could be less than 0.9% (see Embodiment 1, page 177).

Regarding Claim 4, the '533 reference further discloses that the content of each of MgO and CaO could be 2% or less (see Embodiment 1, page 177).

Regarding Claim 5, the '533 reference further discloses that the content of SrO could fall with the range of 6-10% (see Embodiment 1, page 177).

Regarding Claim 6, the '533 reference further discloses that the content of BaO could fall with the range of 9-15% (see Embodiment 1, page 177).

Regarding Claim 7, the '533 reference further discloses that the content of ZnO could fall with the range of 6.2-7.8% (see Embodiment 1, page 177).

Regarding Claim 8, the '533 reference further discloses that the content of Na_2O could fall with the range of 2-5% (see Embodiment 1, page 177).

Regarding Claim 9, the '533 reference further discloses that the content of K_2O could fall with the range of 6-12% (see Embodiment 1, page 177).

Regarding Claim 10, the '533 reference further discloses that the content of Li_2O could fall with the range of 0.5-2.5% (see Embodiment 1, page 177).

Regarding Claim 11, the '533 reference further discloses that the content of ZrO_2 could fall with the range of 0.1-1.4% (see Embodiment 1, page 177).

Regarding Claim 12, the '533 reference further discloses that the content of TiO_2 could fall with the range of 0.1-2% (see Embodiment 1, page 177).

Regarding Claim 13, the '533 reference further discloses that the content of CeO_2 could fall with the range of 0.1-2% (see Embodiment 1, page 177).

Regarding Claim 14, the '533 reference further discloses that the content of Sb_2O_3 could be less than 1% (see Embodiment 1, page 177).

Regarding Claim 15, the '533 reference further discloses that the content of P_2O_5 could be less than 1% (see Embodiment 1, page 177).

Regarding Claim 16, the '533 reference further discloses that $0.32 \leq \text{SrO}/((\text{SrO}+\text{BaO})) \leq 0.43$ (see Embodiment 1, page 177).

4. Claims 1- 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Japanese Patent Publication No. 3-12337.

Regarding Claim 1, the '337 reference discloses a CRT panel glass which does not substantially contain PbO but which contains values in mass percent, which overlap those claimed here of between 45 and 60% SiO_2 , 0-1% Al_2O_3 , 0-3% MgO , 0-3% CaO , 5-11% SrO , 8-16% BaO , 6-8% ZnO , 1-6% Na_2O , 5-13% K_2O , 0.1-3% Li_2O , 0-1.5% ZrO_2 , 0-3% TiO_2 , 0-3% CeO_2 , 0-2% Sb_2O_3 , 0-2% P_2O_5 . The '337 reference further discloses that $0.30 \leq \text{SrO}/((\text{SrO}+\text{BaO})) \leq 0.45$ and because the X-ray absorption coefficient is intrinsic to the material it is noted that since the '337 reference discloses the same structure then the X-ray absorption coefficient of 36.0 cm^{-1} or more at 0.6 \AA is inherently there as well (see Embodiment 1, page 219).

Regarding Claim 2, the '337 reference further discloses that the content of SiO_2 could fall within the range of 50-58% (see Embodiment 1, page 219).

Regarding Claim 3, the '337 reference further discloses that the content of Al_2O_3 could be less than 0.9% (see Embodiment 1, page 219).

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Regarding Claim 4, the '337 reference further discloses that the content of each of MgO and CaO could be 2% or less (see Embodiment 1, page 219).

Regarding Claim 5, the '337 reference further discloses that the content of SrO could fall with the range of 6-10% (see Embodiment 1, page 219).

Regarding Claim 6, the '337 reference further discloses that the content of BaO could fall with the range of 9-15% (see Embodiment 1, page 219).

Regarding Claim 7, the '337 reference further discloses that the content of ZnO could fall with the range of 6.2-7.8% (see Embodiment 1, page 219).

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Regarding Claim 12, the '337 reference further discloses that the content of TiO₂ could fall with the range of 0.1-2% (see Embodiment 1, page 219).

Regarding Claim 13, the '337 reference further discloses that the content of CeO₂ could fall with the range of 0.1-2% (see Embodiment 1, page 219).

Regarding Claim 14, the '337 reference further discloses that the content of Sb₂O₃ could be less than 1% (see Embodiment 1, page 219).

Regarding Claim 15, the '337 reference further discloses that the content of P_2O_5 could be less than 1% (see Embodiment 1, page 219).

Regarding Claim 16, the '337 reference further discloses that $0.32 \leq SrO/((SrO+BaO)) \leq 0.43$ (see Embodiment 1, page 219).

Response to Arguments

5. Applicant's arguments filed 6/3/03 have been fully considered but they are not persuasive.

In response to the Applicant's contention that the Prior Art relied upon fails to suggest that a first type devitrifying stone can be suppressed if the $SrO/((SrO+BaO))$ ratio is within a range from 0.30-0.45 in mass percent and that a second type devitrifying stone can be suppressed if the content of Al_2O_3 is limited in a range of 0-1% in mass percent, the Examiner respectfully disagrees. Both the '533 and the '337 reference teach the claimed ranges in their respective first embodiments and as the Applicant asserts, these ranges as claimed provide the function of suppressing the first and second type devitrifying stones so while this function may not be explicitly stated it is inherent to the references.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Phinney whose telephone number is (703) 305-3999. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703) 305-4794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JP

June 11, 2003


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